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BILLS AND NOTES—SUIT ON—PARTY IN INTEREST.—Where a promissory note is sued upon by the holder to whom it has been unconditionally assigned by the payee, it is held in *Greene v. McAuley* (Kan.), 68 L. R. A. 308, that a complete defense on the sole ground that the plaintiff is not the real party in interest can only be established by proof of facts showing that a payment to him would not be a protection to the defendant against further liability on the note.

CARRIER AND PASSENGER—WHEN RELATION BEGINS—CONTRIBUTORY NEGLIGENCE.—In *Lewis v. Houston Electric Co.*, decided by the Court of Civil Appeals of Texas in June, 1905, 88 S. W. 490, it was held that when a person desiring to become a passenger on a street car stations himself at a place where the cars are accustomed to receive passengers, and signals or calls to the motorman of an approaching car to stop the car, and such signal is seen by the motorman, and the car slows up, an acceptance of the offer to become a passenger will be implied from the act of the motorman; and such person is entitled to be regarded as a passenger while in the act of getting on the car, though he attempts to board the car before it comes to a full stop, and irrespective of whether the motorman intended to stop the car for the purpose of allowing him to get on.

It was further held that the attempt of a passenger to board a street car while it is in motion is not contributory negligence, as matter of law.

FALSE IMPRISONMENT—WHAT CONSTITUTES.—In *Gunderson v. Struebing*, decided by the Supreme Court of Wisconsin in May, 1905, 104 N. W. 149, it was held that where an officer in the discharge of his duty, in good faith invites one to the police station for the purpose of interrogating him, and investigating a charge against him, with a view of deciding on future action, and without any present intention of putting him under arrest or restraint, and the circumstances do not warrant a reasonable apprehension that force will be used in the absence of submission, and the person voluntarily accompanies the officer and consents to be searched, there is no arrest or false imprisonment.

SURFACE WATERS—OVERFLOW WATERS FROM STREAM.—Overflow waters of a natural stream in times of ordinary flood or freshet, flowing over or standing upon the adjacent lowlands, are held, in *Uhl v. Ohio River R. Co.* (W. Va.), 68 L. R. A. 138, not to be surface waters, and not to cease to be part of the stream unless and until separated therefrom so as to prevent their return to its channel.

JUDICIAL NOTICE THAT VACCINATION WILL PREVENT SMALLPOX.—The Court of Appeals of New York, in the case of *Viemeister v. White*, 72 N. E. 97, rules that courts will take judicial notice of the fact that it is a common belief of the people of the state that vaccination is a preventive of smallpox, and that, this being the case, the public health law, excluding